

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.15652 OF 2018

S.Meshak

... Petitioner

Vs

1. The Sub Inspector of Police
E.8, Kelambakkam Police Station
Kancheepuram District.

2. The Deputy Superintendent of Police
Mamallapuram
Kancheepuram District.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., seeking a direction to the respondents not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.G.Vasudevan

For Respondents : Mrs.Kritika Kamal.P
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed seeking a direction to the respondents not to harass the petitioner under the guise of enquiry.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents and perused the materials placed on record.

3. When the matter is taken up for hearing, the learned Government Advocate (Crl. Side) submitted that on the complaint given by one Karathe Gopinath, a case in Crime No.198 of 2018 has been registered.

4. Under such circumstances, once a regular FIR has been registered, the question of 'not to harass' will not arise, because the expression 'harassment' is so subjective that it cannot be encapsulated in an objective criteria. If 'not to harass' order is passed in this case, where a regular FIR has been registered, a notice by the Investigating Officer u/s 41[a] of Cr.P.C. can also be construed as an harassment. This Court

has dealt with this aspect at length and passed a detailed order in the case of Dorand and Others Vs the Superintendent of Police, Nagercoil, Kanyakumari District and another in Crl.O.P. [MD] No.1727 of 2016 decided on 01.02.2016.

Hence, this petition is dismissed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

mk Sub Assistant Registrar

To

1.The Sub Inspector of Police
E.8, Kelambakkam Police Station
Kancheepuram District.

2.The Deputy Superintendent of Police
Mamallapuram
Kancheepuram District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.VASUDEVAN, Advocate, S.R.No.41643

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TR(09/07/2018)

सत्यमेव जयते
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